

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

U.S. Bank National Association, as Trustee for Credit Suisse First Boston Mortgage Securities Corp., Home Equity Asset Trust 2006-4, Home Equity Pass-Through Certificates, Series 2006-4,

Plaintiff,

vs.

Elliot Hayes a/k/a Elliot D. Hayes, Jr. aka Elliot Hayes, Jr., aka Elliot D. Hayes, South Carolina Department of Revenue, Sterling Hills Homeowner's Association, Inc., and North Star Capital Acquisition, LLC,

Defendants.

(File No. 4016.10824)

RILEY POPE & LANEY, LLC
Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS

C/A NO.: 2020-CP-40-04879
2018-CP-40-03359

**SPECIAL REFEREE'S ORDER
DENYING MOTION TO RECONSIDER**

(Deficiency Demanded against Elliot Hayes a/k/a Elliot D. Hayes, Jr. aka Elliot Hayes, Jr., aka Elliot D. Hayes)

RECEIVED

Jun 10 2026

SC Court of Appeals

Andrew S. Radeker
Attorney for Elliot Hayes a/k/a Elliot D. Hayes, Jr. aka Elliot Hayes, Jr., aka Elliot D. Hayes
Kiera C. Dillon
Attorney for South Carolina Department of Revenue

This matter is before the Court on Defendant Elliot Hayes' Motion to Reconsider. For the reasons set forth below, the Motion is denied.

In filing a motion to reconsider under Rule 59(e), the moving party must identify issues that the Court either misunderstood, failed to fully consider, or failed to rule on. *Elam v. S.C. Dept. of Trans.*, 361 S.C. 9, 602 S.E.2d 772 (2004). In his Motion, Defendant Hayes raises four issues that he contends warrant reconsideration, and a "catch-all" statement incorporating all prior arguments made by Defendant Hayes.

Having reviewed the record created by the parties in connection with the Motion for Summary Judgment, the Court does not believe that Defendant Hayes has presented any issues that were misunderstood, not considered, or not ruled on. However, out of an abundance of caution, the Court will address each issue raised in the Motion to Reconsider.

First, Defendant Hayes asserts that the evidence presented by Plaintiff in support of its Motion for Summary Judgment was inadmissible hearsay. Indeed, Hayes contends that “everything offered by the Plaintiff in support of its motion was inadmissible.” While certain information presented to the Court in the affidavit may have been hearsay, in making its decision, the Court relied only on admissible evidence. Specifically, Hayes admits both in his Answer and in his Affidavit that he signed the note and mortgage that are the subject of this action. He also implicitly acknowledges in his Affidavit that he was past due on his mortgage payments in his statement that “I brought my mortgage loan account current.” Therefore, the only issue in determining whether the loan was in default and subject to foreclosure is whether the lender had the right to return the payments remitted by Hayes to bring the loan current.

As addressed in detail in Paragraphs 13 and 14 of the Findings of Fact in the Order Granting Summary Judgment, the lender had the right under the terms of the mortgage to require that payments be made by certified check, bank check, treasurer’s check or cashier’s check if the borrower made any payment that was returned unpaid. The record indicates that, after a payment was returned for insufficient funds, notice of this requirement was given to Hayes. However, he disregarded the notice when he sent in the past due payments.

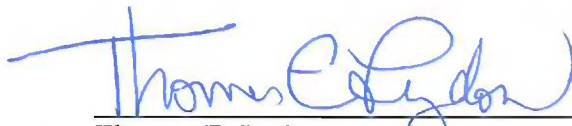
The second issue raised in the Motion to Reconsider is that Plaintiff failed to present admissible evidence of the debt components before the Court. Defendant Hayes is correct that Plaintiff did not present admissible evidence of certain debt components, specifically corporate advances and the escrow balance on loan transfer. As a result, the Court excluded those components from its calculation of the total debt. All other debt components were supported by admissible evidence, and Defendant Hayes presented no evidence to dispute the principal, interest, taxes, insurance, and late charges.

The third and fourth issues raised in the Motion to Reconsider are that the Order does not address the defenses, counterclaims, or arguments raised by Defendant Hayes. However, the facts underlying his defenses, counterclaims, and arguments are based on the assertion that Hayes brought the loan current when he tendered the past due payments in March of 2018. However, having determined that the tender of those

payments did not comply with the terms of the mortgage and the notice given to him by the lender, all of his defenses and counterclaims fail.

Based on the foregoing, the Motion to Reconsider is DENIED. In reaching its decision to grant Plaintiff's Motion for Summary Judgment, the Court relied on Defendant Hayes' responsive pleading, his affidavit, and admissible evidence presented by Plaintiff in support of its Motion for Summary Judgment. That evidence established that the loan was in default when the foreclosure action was filed and that default has never been cured in accordance with the terms of the note and mortgage. As to the affirmative defenses and counterclaims asserted by Defendant Hayes, the underlying factual basis for the defenses and counterclaims is that the lender improperly refused to accept payments that would have brought the loan current. Having determined that the lender's refusal to accept the payments was in accordance with the terms of the note and mortgage, the affirmative defenses do not defeat the relief sought by Plaintiff, and the counterclaims are hereby DISMISSED.

AND IT IS SO ORDERED.



Thomas E. Lydon
Special Referee, Richland County

May 8, 2026
Columbia, South Carolina

STATE OF SOUTH CAROLINA
 COUNTY OF RICHLAND
 IN THE COURT OF COMMON PLEAS

FORM 4
 JUDGMENT IN A CIVIL CASE
 CASE NO. 2020-CP-40-04879
 2018-CP-40-03359

U.S. Bank National Association, as Trustee for Credit Suisse
 First Boston Mortgage Securities Corp., Home Equity Asset
 Trust 2006-4, Home Equity Pass-Through Certificates, Series
 2006-4

PLAINTIFF

vs.
 Elliot Hayes a/k/a Elliot D. Hayes, Jr. aka Elliot Hayes, Jr., aka
 Elliot D. Hayes, et al.

DEFENDANTS.

Submitted by: Riley Pope & Laney, LLC Post Office Box 11412, Columbia, SC 29211	Attorney for Plaintiff
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DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
 - DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See page 2 for additional information.
 - ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other – _____
 - ACTION STRICKEN (CHECK REASON):** Rule 40(j) SCRPC; Bankruptcy; Binding Arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other – _____
 - STAYED DUE TO BANKRUPTCY**
 - DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other – _____
- NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow); Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

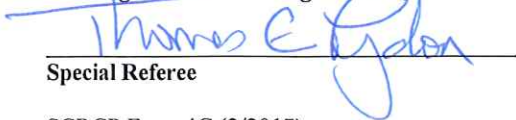
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount to be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

Tax Map # 23104-02-57; 8 High Glen Court, Columbia, SC 29229

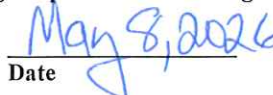
The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.



 Special Referee

 Judge Code



 Date

For Clerk of Court Use Only

This judgment was entered on the _____ day of _____, 2026, and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 2026 to attorneys of record or to parties (when appearing pro se) as follows:

Attorneys for Plaintiff:
Riley Pope & Laney, LLC
Post Office Box 11412
Columbia, SC 29211

Defendants:
Andrew S. Radeker, Esquire
Attorney for Elliot Hayes a/k/a Elliot D. Hayes, Jr. aka Elliot Hayes, Jr.
aka Elliot D. Hayes
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Columbia, SC 29250-0143

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300A Outlet Pointe Boulevard
Columbia, SC 29201

Sterling Hills Homeowner's Association, Inc
Chris D. Gilleland, registered agent
1722 Main St., Suite 150
Columbia, SC 29201

North Star Capital Acquisition, LLC
Corporation Service Company, registered agent
251 Little Falls Dr
Wilmington, DE 19808

CLERK OF COURT

Court Reporter: _____

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCF.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

